MAGRUDER et al. *v.* VIRGINIA-CAROLINA CHEMICAL CO. et al.

Jan. 11, 1917.

[91 S. E. 121.]

Limitation of Actions (§ 55 (6)*)—Permanent Nuisance.—As for a permanent nuisance, the consequences of which, in the normal course of things, will continue indefinitely, like the poisoning of the waters of a stream with the acid-impregnated washing from the operation of iron mines, but one action, in which all damages past and prospective must be recovered, can be maintained, it must be brought within the period of limitations from the accrual of the cause of action.

[Ed. Note.—For other cases, see Limitation of Actions, Cent. Dig. § 304; Dec. Dig. § 55 (6).* 14 Va.-W. Va. Enc. Dig. 661.]

Appeal from Circuit Court, Louisa County.

Suit by H. E. Magruder and others against the Virginia Carolina Chemical Company and others. From an adverse decree, plaintiffs appeal. Affirmed.

E. H. De Jarnette, Jr., of Orange, for appellants.

Coke & Pickrell, of Richmond, *Gordon & Gordon,* of Louisa, *Jas. R. Caton,* of Alexandria, and *W. Worth Smith Jr.,* of Louisa, for appellees.

HOLLAND et al. *v.* VAUGHAN et al.

Jan. 11, 1917.

[91 S. E. 122.]

1. Reformation of Instruments (§ 45 (5)*)—Proceedings—Weight of Evidence—Reservation.—In action to reform a deed to insert mention of a tract of 10 acres, the facts that the deed purported to convey 75 acres more or less, and without this tract would contain about 61 acres, that upon conveyance the plaintiffs assumed control over the tract and paid taxes on it, and defendant stopped paying taxes thereon, and that the agent and attorney of defendant thought the tract was intended to be conveyed, held to entitle plaintiffs to relief.

[Ed. Note.—For other cases, see Reformation of Instruments, Cent. Dig. § 162; Dec. Dig. § 45 (5).* 14 Va.-W. Va. Enc. Dig. 729.]

2. Reformation of Instruments (§ 45 (5)*)—Proof Required.—If it be clearly shown by satisfactory proof that by mistake of the draftsman a writing does not truly set forth the agreement of the parties, equity will correct the mistake to conform the instrument to the real

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.